

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRANKLIN C. EDMONDS,

Plaintiff,

v.

KELLEY J. CORK and RACHEL
L. EDMONDS,

Defendants.

ORDER

08-cv-158-bbc

Plaintiff Franklin C. Edmonds filed this action on March 21, 2008, and paid the \$350.00 filing fee. Pursuant to Fed. R. Civ. P. 12(h)(3), I have reviewed plaintiff's complaint to determine whether this court has subject matter jurisdiction. From the complaint, I understand plaintiff to be alleging the following facts.

ALLEGATIONS OF FACT

Plaintiff resides at 1405 Trailway, Madison, Wisconsin. Plaintiff's wife, Rachel L. Edmonds resides in Milwaukee, Wisconsin. Defendant Kelley Cork is defendant Rachel Edmond's attorney in her state court divorce proceedings against plaintiff.

Plaintiff was to appear before the Honorable Karen E. Christenson on March 10, 2008 concerning his divorce proceedings, but the hearing was postponed for no apparent reason. After plaintiff realized that Judge Christenson had violated a Wisconsin state statute, he filed a motion with Milwaukee County to have her removed as a judge in his divorce case.

In addition, plaintiff requested that defendant Cork direct her client Rachel Edmonds to submit to the court and to him her pay stubs for 2007 and tax returns for the years 2003 through 2008. Defendants failed to disclose this information. Plaintiff does not know where Rachel Edmonds is living even though he is paying child support to her. Plaintiff has been without health insurance for several years because of the pending divorce proceedings.

OPINION

Plaintiff has brought this lawsuit to obtain an order from this court compelling defendants to submit financial information to this court. Unfortunately for plaintiff, this court does not have jurisdiction to grant such a request. Federal courts can hear only those cases that Congress empowers them to hear. Generally, federal courts have the power to hear two types of cases: (1) cases in which the plaintiff alleges a violation of his or her constitutional rights or rights established under federal law and (2) cases in which a citizen of one state alleges a violation of his or her rights established under state law by a citizen of

another state and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1331-32.

Plaintiff's complaint does not fall under either category. No federal law authorizes a party in a state court proceeding to file a federal lawsuit to obtain information he believes another party has wrongfully withheld in the state lawsuit, The proper cause of action in that case is to seek an order from the state court judge and if the judge denies relief, to file an appeal.

In the second type of case, a federal court may hear state law disputes between citizens of different states when the amount in controversy exceed \$75,000. Plaintiff has not alleged that the defendants are citizens of a state other than Wisconsin where plaintiff resides or that the amount in controversy is greater than \$75,000.

Therefore, because I have no jurisdiction to hear this case, I must dismiss it on the court's own motion.

ORDER

IT IS ORDERED that plaintiff Franklin Edmonds's complaint is DISMISSED on the court's own motion for lack of subject matter jurisdiction. The Clerk of Court is directed

to enter judgment dismissing the case.

Entered this 28th day of March, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge